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PTO/SB/31 (02-01)

Approved for use through 10/31/2002. OMB 0651-0031

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**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**
Docket Number (Optional)
55017-8122

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(e)] on October 19, 2005.

Signature _____

Typed or printed name _____ Clyde L. Smith, No. 46,292

In re Application of
Aitken et al.Application Number
09/909,427Filed
July 19, 2001For
TEST DEVICEGroup Art Unit
1743Examiner
Cross, LaToya I.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

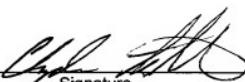
\$ 500.00

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____.
- A check in the amount of the _____ fee is enclosed. | 10/26/2005 BABRAHA1 00000001 200823 09909427
- Payment by credit card. Form PTO-2038 is attached. | 02 FC:1401 500.00 DA
- The Commissioner is hereby authorized to charge the fee of \$500.00 in this application to Deposit Account No. 20-0823. I have enclosed a duplicate copy of this sheet.
- The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-0823. I have enclosed a duplicate copy of this sheet.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- applicant/inventor.
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- attorney or agent of record.
- attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) _____



Signature

Clyde L. Smith, No. 46,292

Typed or printed name

October 19, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

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